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SEP 27 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Larosa et al.)
 For: Method of and Apparatus for)
 Activating a Spread-Spectrum)
 Radiotelephone)
 Serial No.: 09/314,819)
 Filed: May 19, 1999)
 Examiner: Elallam, A.)
 Art Unit: 2662)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being
 facsimile transmitted to the United States Patent and
 Trademark Office, Fax No. (703) 872-9306 on
 September 27, 2004.

James P. Lyon

September 27, 2004

(Date)

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES and
PETITION REQUESTING A ONE MONTH EXTENSION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.191, the applicants hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner. The applicants additionally request a one month extension, where because applicants' prior response was filed within two months of the mailing date of the immediately preceding Official Action, which was made final, the shortened statutory period is treated as having expired at the later of the 3 months from the date of the final action or the date that the responding advisory action was mailed (please see MPEP §706.07(f)). The advisory action was mailed on August 25, 2004. A one month extension from the mailing date of the advisory action extends the date for response to September 27, 2004, the first business day after September 25, 2004, where September 25, 2004, falls on a Saturday.

In connection with the Notice of Appeal, and the Petition requesting a one month extension, a fee in the amount of \$440 is believed to be due (\$330 for filing a Notice of Appeal, and \$110 for the one month extension request). The Commissioner is hereby authorized and

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 Sale Ref: 00000005 DA# 502117 09314819
 01 FC:1251 110.00 DA
 02 FC:1401 330.00 DA

U.S. Application Serial No. 09/314,819

requested to charge said fee, to Motorola's Deposit Account No. 50-2117. In the event, that any additional fees including fees to cover a deficiency associated with any underpayments, are deemed to be necessary, in connection with the present action on the part of the applicant, the Commissioner is further authorized to charge any such fee or credit any overpayments to the above noted deposit account.

Respectfully submitted,

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Motorola, Inc.
Personal Communications Sector
Intellectual Property Department
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Libertyville, IL 60048